

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL TITUS, }
v. Plaintiff, } Civil Action No. 05-90 Erie
HEARTLAND EXPRESS, INC., }
Defendant. }

MEMORANDUM ORDER

The complaint in this case was filed on March 21, 2005 and asserted a one-count claim against the Defendants under the Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.* On July 26, 2005, this Court entered an order, noting that service had not yet been made on the Defendants and directing that Plaintiff show cause, within 10 days, as to why this case should not be dismissed for failure to prosecute. Plaintiff was advised that any further failure to respond would be interpreted as indicating his consent to a dismissal of this matter without prejudice. As of this date, Plaintiff has neither effectuated service nor demonstrated cause for his failure to effectuate service. Accordingly, in accordance with Fed.R.Civ.P. 4(m),

IT IS HEREBY ORDERED this 10th day of August, 2005, that the above-captioned matter be **DISMISSED WITHOUT PREJUDICE** and the case marked "closed."

s/ Sean J. McLaughlin
United States District Judge

cm: W. John Knox, III, Esq.